

CHRISTOPHER CHIOU  
Acting United States Attorney  
Nevada Bar Number 14853  
JIM W. FANG  
Assistant United States Attorney  
501 Las Vegas Blvd. South, Ste. 1100  
Las Vegas, Nevada 89101  
Phone: 702-388-6317  
Email: jim.fang@usdoj.gov  
*Attorneys for the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMELIO ROCHESTER,

Defendant.

Case No. 2:20-mj-00902-DJA

**ORDER to Continue the Preliminary  
Hearing (Seventh Request)**

It is hereby stipulated and agreed, by and between Christopher Chiou, Acting United States Attorney, through Jim W. Fang, Assistant United States Attorney, and Daniel Hill, Esq., counsel for Defendant Emelio Rochester, that the preliminary hearing in the above-captioned matter for Barber, previously scheduled for October 18, 2021, at 4:00 p.m., be vacated and continued until a time convenient to the Court, but no earlier than November 10, 2021.

1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the defendant’s consent and upon a showing of good cause—taking into account the public interest in the prompt disposition of criminal cases—a magistrate judge may extend the time limits [for preliminary hearings] one or more times.” Here, the parties desire to explore the

1 potential to resolve this matter before defendant is formally charged by a criminal  
2 indictment.

3       2.       In that regard, the government has provided defense counsel with Rule 16  
4 discovery in order to facilitate pre-indictment resolution, and the parties have been in active  
5 plea negotiations. The parties are very close to a resolution, and have agreed to seek one  
6 more continuance in a final push to resolve this matter pre-indictment.

7       3.       This continuance is not sought for the purposes of delay, but to allow the  
8 parties to reach a potential resolution before the government moves forward with further  
9 prosecution.

10       4.       Defendant is not in custody and agrees to the continuance.

11       5.       Denial of this request could result in a miscarriage of justice, and the ends of  
12 justice served by granting this request outweigh the best interest of the public and the  
13 defendants in a speedy trial.

14       6.       The additional time requested by this stipulation is excludable in computing  
15 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
16 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

17       DATED this 15th day of October, 2021.

18 CHRISTOPHER CHIOU  
19 Acting United States Attorney

20 s/ Jim W. Fang  
JIM W. FANG  
21 Assistant United States Attorney  
Counsel for the United States

s/ Daniel Hill  
DANIEL HILL, ESQ.  
Counsel for Defendant Rochester

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

EMELIO ROCHESTER,

Defendant.

Case No. 2:20-mj-00902-DJA

**FINDINGS AND ORDER**

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties desire to continue the preliminary hearing to facilitate pre-indictment resolution. The government has provided defense counsel with Rule 16 discovery for that purpose, and the parties are in active plea negotiations. The parties are very close to a resolution, and have agreed to seek one more continuance in a final push to resolve this matter pre-indictment. The Court finds good cause to continue the hearing to allow the parties to reach a pre-indictment resolution.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is not in custody and agrees to the continuance.

4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

1           5. Denial of this request could result in a miscarriage of justice, and the ends of  
2 justice served by granting this request outweigh the best interest of the public and the  
3 defendants in a speedy trial.

4           6. The additional time requested by this stipulation is excludable in computing  
5 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.  
6 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

7           THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the  
8 above-captioned matter currently scheduled for October 18, 2021, at 4:00 p.m. be vacated  
9 and continued to November 15, 2021, at 4:00 p.m. Courtroom 3A.

10           DATED this <sup>15th</sup> \_\_\_\_\_ day of October, 2021.



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HONORABLE DANIEL J. ALBREGTS  
UNITED STATES MAGISTRATE JUDGE